

AMENDMENT TO STATE SUPERFUND CONTRACT
FOR THE CARSON RIVER MERCURY SITE, NEVADA,
OPERABLE UNIT 1 (SURFACE SOIL)

The United States Environmental Protection Agency ("EPA") and the Nevada Division of Environmental Protection ("NDEP"), on behalf of the State of Nevada ("the State"), entered into a Superfund Contract ("the Contract") in July 1997 to document the responsibilities of EPA and the State for the remedial action at the Surface Soil Operable Unit ("the Operable Unit") at the Carson River Mercury Site, Site Number NVD90813646 ("the Site"). The contract was entered into pursuant to Section 104(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9604(c). A copy of the Contract is attached hereto as Attachment 1.

Pursuant to Section 104(c) of CERCLA, the State's cost share for remedial action costs at the Operable Unit is 10% of the remedial action costs. The Contract estimated the costs of the remedy at between \$800,000 and \$1,362,000. The State's cost share was, therefore, estimated to be between \$80,000 and \$136,200.

EPA has now completed the remedial action. The actual costs of the remedial action exceeded the original estimates. EPA and the State have had discussions in 2002 about the appropriate dollar amount of the State's share of the remedial action costs and the time within which that share of costs should be paid.

EPA and the State have agreed to revise the dollar amount that the State will pay for its share of the remedial action costs at the Operable Unit and to provide for payment of that amount in installments.

Accordingly, EPA and the State hereby agree to amend the Contract as follows:

1. The total dollar amount of the State's share of remedial action costs at the Operable Unit shall be \$236,200.
2. The State shall pay this dollar amount in the following installments:
 - (A) \$86,200 shall be paid by June 30, 2002;
 - (B) \$50,000 shall be paid by September 30, 2002;
 - (C) \$50,000 shall be paid by July 1, 2004; and

(D) \$50,000 shall be paid by July 1, 2005.

3. This schedule is contingent upon appropriations by the State's legislative branch. The State shall make every effort to obtain the necessary appropriations.

4. No interest shall accrue on the payments set forth in Paragraph 2 of this Amendment.

5. All payments shall be made payable to the "EPA Hazardous Substance Superfund," referencing Site ID number 09R6 and sent to the following address:

United States Environmental Protection Agency
ATTN: Superfund Accounting
P.O. Box 360863M
Pittsburgh, PA 15251

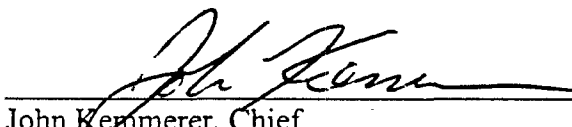
A copy of the check shall be sent to the Superfund Division, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, Attn: Division Director.

6. Upon payment of the final installment set forth above the Contract shall be deemed concluded, pursuant to Paragraph 33 of the Contract.

7. Each undersigned representative of the parties certifies that he or she is fully authorized to enter into the terms and conditions of this Amendment.

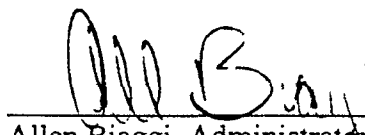
In witness whereof, the parties hereto have executed two copies of this contract, each of which shall be deemed an original.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY


John Kemmerer, Chief
Site Cleanup Branch, Superfund Division, Region 9


DATE: 8/6/02

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION


Allen Biaggi, Administrator

DATE: 7/24/02

APPROVED AS TO FORM ONLY this 3rd day of July, 2002.

ATTORNEY GENERAL 



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

SSC Amendment

97-21A

August 6, 2002

Mr. Doug Zimmerman
Bureau Chief
Bureau of Corrective Action
Nevada Department of Environmental Protection
333 W. Nye Lane, Room 138
Carson River, NV 89706

re: Carson River Mercury Superfund Site

Dear Mr. Zimmerman:

Enclosed is an original signature copy of the Amendment to the State Superfund Contract for the Carson River Mercury Superfund site. We have received a copy of the State of Nevada's first payment pursuant to this Contract, which was attached to your July 31, 2002 letter to Lisa Ouyang of this office.

Thank you very much for your assistance.

Sincerely,

John Kemmerer, Chief
Superfund Site Cleanup Branch

Enclosure

cc: Allen Biaggi, NDEP (without enclosure)
Jane Diamond, USEPA (without enclosure)